

## **IC 14-32-4**

### **Chapter 4. Supervisors**

#### **IC 14-32-4-1**

##### **Number and qualifications**

Sec. 1. (a) The governing body of a district consists of five (5) supervisors as follows:

- (1) Two (2) who are appointed.
- (2) Three (3) who are elected.
- (b) To hold the position of elected supervisor, an individual:
  - (1) must be an occupier of a tract of land that is:
    - (A) more than ten (10) acres in area; and
    - (B) located within the district;
  - (2) must maintain the individual's permanent residence within the district; and
  - (3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.
- (c) To hold the position of appointed supervisor, an individual:
  - (1) must be of voting age;
  - (2) must maintain the individual's permanent residence within the district; and
  - (3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.15.*

#### **IC 14-32-4-2 Repealed**

*(Repealed by P.L.136-1997, SEC.43.)*

#### **IC 14-32-4-3**

##### **Repealed**

*(Repealed by P.L.136-1997, SEC.43.)*

#### **IC 14-32-4-4**

##### **Repealed**

*(Repealed by P.L.136-1997, SEC.43.)*

#### **IC 14-32-4-5**

##### **Repealed**

*(Repealed by P.L.136-1997, SEC.43.)*

#### **IC 14-32-4-6**

##### **Annual meeting**

Sec. 6. (a) During the first quarter of each calendar year, each district shall hold an annual meeting of all land occupiers in the district. The meeting shall be held on a date designated by the supervisors. The supervisors shall give due notice of the time and place of the meeting.

- (b) At the meeting:
  - (1) the supervisors shall make a full and an accurate report of

the activities and financial affairs of the district since the previous annual meeting; and

(2) an election shall be conducted by secret ballot of the land occupiers present of one (1) supervisor who has a three (3) year term of office beginning on the date of the meeting.

(c) The supervisors shall provide a copy of the annual report presented at the meeting to the board and, upon request, to:

(1) other cooperating agencies;

(2) residents of the district; and

(3) any other individual or entity that requests a copy of the annual report.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.16.*

#### **IC 14-32-4-7**

##### **Election committee; composition and annual meeting**

Sec. 7. (a) The election held at the annual meeting of land occupiers shall be conducted by an election committee appointed under this section.

(b) In October, the district chairman shall do the following:

(1) Appoint an election committee made up of a supervisor as chairman and two (2) interested citizens.

(2) Submit the names of the committee members to the board by November 1.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.17.*

#### **IC 14-32-4-8**

##### **Election committee duties**

Sec. 8. (a) The election committee appointed under section 7 of this chapter shall do the following:

(1) Select qualified individuals as prospective nominees to fill any vacancies that exist among the elected supervisors of the district.

(2) Contact and ascertain the willingness and ability of each individual to serve if elected.

(3) Submit the list of nominees with the qualifications for certification and printing of a sample ballot to the board by December 1.

(4) Place the names of the prospective nominees selected under subdivisions (1) and (2) in nomination at the meeting and provide an opportunity for additional nominations to be made from the floor.

(5) After nominations are closed, distribute a ballot to each land occupier present at the meeting.

(6) Collect and count the ballots after each land occupier present at the meeting has had an opportunity to vote.

(7) Report the results of the election to the chairman.

(b) The number of prospective nominees selected under subsection (a)(1) must exceed the number of vacancies that exist

among the elected supervisors of the district by at least one (1).  
*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.18.*

#### **IC 14-32-4-9**

##### **Election results**

Sec. 9. (a) If a tie vote occurs in an election held at an annual meeting under this chapter, voting shall continue until the tie is broken.

(b) The individual receiving the highest number of votes is elected a supervisor for the three (3) year term. If there is also a vacancy to fill an unexpired term of an elected supervisor, the individual receiving the second highest number of votes is elected to fill the unexpired term.

(c) The chairman shall announce the individuals who have been elected and report the election results to the board.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.19.*

#### **IC 14-32-4-10**

##### **Appointed supervisor; term; filling position upon expiration of term**

Sec. 10. (a) The term of an appointed supervisor is three (3) years.

(b) Before the term of an appointed supervisor expires, the supervisor's position shall be filled as follows:

(1) Not later than November 1, the district supervisors shall recommend to the board in writing one (1) or more individuals qualified to fill the position.

(2) At the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation.

(3) The board shall notify the supervisors of the appointment made by the board.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.20.*

#### **IC 14-32-4-11**

##### **Oath of office**

Sec. 11. Newly elected and appointed supervisors shall assume the duties of office upon signing an oath of office at the conclusion of the annual meeting of the district.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.21.*

#### **IC 14-32-4-12**

##### **Successor to supervisor**

Sec. 12. A supervisor holds office until the supervisor's successor has been elected or appointed and qualified.

*As added by P.L.1-1995, SEC.25.*

#### **IC 14-32-4-13**

##### **Elected supervisor; vacancy**

Sec. 13. (a) If a vacancy in the position of elected supervisor occurs during the district's operating year:

- (1) the district supervisors shall, within thirty (30) days after the vacancy occurs, recommend to the board in writing one (1) or more individuals qualified to fill the position;
- (2) at the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation and appoint an individual to temporarily fill the vacancy; and
- (3) the board shall notify the supervisors of the appointment made by the board.

(b) The individual appointed to temporarily fill a vacancy under subsection (a) shall serve until the district's next annual meeting.

(c) At the annual meeting immediately following the appointment of an individual to temporarily fill a vacant elected supervisor's position, the position shall be filled through the regular election procedure set forth in sections 6 through 9 of this chapter.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.22.*

#### **IC 14-32-4-13.5**

##### **Appointed supervisor; vacancy**

Sec. 13.5. (a) If a vacancy in the position of appointed supervisor occurs during a district's operating year:

- (1) the district supervisors shall, within thirty (30) days after the vacancy occurs, recommend to the board in writing one (1) or more individuals qualified to fill the position;
- (2) at the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation; and
- (3) the board shall notify the supervisors of the appointment made by the board.

(b) The individual appointed to fill a vacant appointed supervisor position under subsection (a) shall serve the unexpired term of the individual's predecessor.

(c) At the expiration of the term of a supervisor appointed under this section, the position of appointed supervisor shall be filled through the regular appointment procedure set forth in section 10 of this chapter.

*As added by P.L.136-1997, SEC.23.*

#### **IC 14-32-4-14**

##### **Chairman**

Sec. 14. The supervisors shall designate a chairman and may change the designation.

*As added by P.L.1-1995, SEC.25.*

#### **IC 14-32-4-15**

**Removal of supervisor**

Sec. 15. The board may, upon notice and a hearing, remove a supervisor for neglect of duty or malfeasance in office, but for no other reason.

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-4-16****Quorum**

Sec. 16. A majority of the supervisors constitutes a quorum and the concurrence of a majority of the supervisors is required for the determination of any matter.

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-4-17****Travel expenses and per diem salary**

Sec. 17. (a) A supervisor may be paid a salary per diem for any part of a day that the supervisor is engaged in the official business of the district in any amount not to exceed the salary per diem that may be paid by the state under IC 4-10-11-2.1(b).

(b) A supervisor may also receive for travel, lodging, meals, and other expenses any amount not to exceed the amount a county employee of the county in which the supervisor resides is entitled to receive under the policies and procedures established by the county.

(c) All amounts under this section shall be fixed by the supervisors of each district and paid from money of the district.

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-4-18****Personnel**

Sec. 18. (a) The supervisors of a district:

(1) may employ necessary personnel, subject to IC 36-2-5-3 and IC 36-2-5-7; and

(2) shall determine the qualifications and duties of the personnel.

(b) In any district except a district containing a consolidated city, an employee of the district:

(1) is considered to be an employee of the county in which the employee works, except as provided in subsection (c); and

(2) is eligible for and shall be included in all fringe benefit programs provided for employees of the county.

(c) An employee of a district whose position is funded entirely from sources outside the county in which the employee works solely on the basis of the funding of the employee's position is not considered an employee of the county.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.24.*

**IC 14-32-4-19****Legal counsel**

Sec. 19. (a) The supervisors and employees of a district are

subject to IC 34-13-3.

(b) The supervisors of a district may employ their own counsel and legal staff.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.25; P.L.1-1998, SEC.111.*

#### **IC 14-32-4-20**

##### **Delegation of powers and duties**

Sec. 20. The supervisors may delegate the powers and duties that the supervisors consider proper to any of the following:

- (1) The chairman.
- (2) Any number of supervisors.
- (3) Any number of agents or employees.

*As added by P.L.1-1995, SEC.25.*

#### **IC 14-32-4-21**

##### **Information concerning supervisors' activities**

Sec. 21. The supervisors of a district shall furnish to the board, upon request, copies of rules, contracts, forms, and other information concerning the activities of the supervisors that the board requires in the performance of duties under this article.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.26.*

#### **IC 14-32-4-22**

##### **Duties of supervisors**

Sec. 22. The supervisors of a district shall do the following:

- (1) Provide for the execution of surety bonds for all district employees and officers who are entrusted with money or property.
- (2) Provide for the keeping of a full and accurate record of all district proceedings and of all district resolutions and orders issued or adopted.
- (3) Provide for an annual audit of the accounts of receipts and disbursements of the district.
- (4) Provide a copy of each annual financial statement of the district to the board.

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.27.*

#### **IC 14-32-4-23**

##### **Municipality or county designating representative**

Sec. 23. The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors on all questions of program and policy that affect the property, water supply, or other interests of the municipality or county.

*As added by P.L.1-1995, SEC.25.*